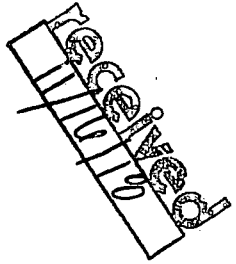


ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD
1740 W. ADAMS ST., SUITE 4600, PHOENIX, ARIZONA 85007
PHONE (602) 364-1PET (1738) FAX (602) 364-1039
VETBOARD.AZ.GOV



COMPLAINT INVESTIGATION FORM

If there is an issue with more than one veterinarian please file a separate Complaint Investigation Form for each veterinarian

PLEASE PRINT OR TYPE

FOR OFFICE USE ONLY

Date Received: Nov. 16, 2018

Case Number: 19-30

A. THIS COMPLAINT IS FILED AGAINST THE FOLLOWING:

Name of Veterinarian/CVT: Dr Peterson

Premise Name: Alta Vista

Premise Address: 4706 7th Av

City: phx State: az Zip Code: 85013

Telephone: 6022771464

B. INFORMATION REGARDING THE INDIVIDUAL FILING COMPLAINT*:

Name: Matt Cohen

Address: [REDACTED]

City: [REDACTED] State: [REDACTED] Zip Code: [REDACTED]

Home Telephone: [REDACTED] Cell Telephone: [REDACTED]

*STATE LAW REQUIRES WE HAVE TO DISCLOSE YOUR NAME UNLESS WE CAN SHOW THAT DISCLOSURE WILL RESULT IN SUBSTANTIAL HARM TO YOU, SOMEONE ELSE OR THE PUBLIC PER A.R.S. § 41-1010. IF YOU HAVE REASON TO BELIEVE THAT SUBSTANTIAL HARM WILL RESULT IN DISCLOSURE OF YOUR NAME PLEASE PROVIDE COPIES OF RESTRAINING ORDERS OR OTHER DOCUMENTATION.

C. PATIENT INFORMATION (1):

Name: Barney, Jr. Marvin, Jr. and Selma

Breed/Species: Chocolate Labs

Age: 10 for B and S; 4 for Sex: M F M Color: brown

PATIENT INFORMATION (2):

Name: _____

Breed/Species: _____

Age: _____ Sex: _____ Color: _____

D. VETERINARIANS WHO HAVE PROVIDED CARE TO THIS PET FOR THIS ISSUE:

Please provide the name, address and phone number for each veterinarian.
As above

E. WITNESS INFORMATION:

Please provide the name, address and phone number of each witness that has direct knowledge regarding this case.
my wife

Attestation of Person Requesting Investigation

By signing this form, I declare that the information contained herein is true and accurate to the best of my knowledge. Further, I authorize the release of any and all medical records or information necessary to complete the investigation of this case.

Signature: _____

Date: 11/15/18

F. ALLEGATIONS and/or CONCERNS:

Please provide all information that you feel is relevant to the complaint. This portion must be either typewritten or clearly printed in ink.

I have contacted this clinic by fax and phone message around 8 times by phone or fax. They have not returned my contacts. the receptionist in each case verified the faxes were received.

They ran up a major bill with treatment that would not help; they took advantage of the situation.

Dr Frazier at their office flat out told me I should not have paid most of the charges.

I don't think it is ethical to refuse to reply to your customers contacts.

I also do not think it is ethical to recommend and pitch an array of services not needed, that's beyond a billing dispute when they go over the top. The recommendation to take Allertec and steroids were ill advised and not good practice.

BARNEY ↙

↘
MARVIN

19-38

November 29th, 2018

To whom it may concern,

On 10/11/18 I saw Barney, Marvin and Selma Cohen. This is the only time I had any contact with Mr. Cohen and his three dogs.

Barney came in for vaccines and also had an ear infection. Please see medical records for details concerning exam findings and recommendations. Barney was given vaccines and treated for an ear infection. The owner declined doing daily ear meds as he said this did not fit his lifestyle so he elected for us to apply long lasting ear ointment : Ketoconazole/ Enrofloxacin/Triamcinolone (2%, 0.23% , 0.1%) long acting Otic Ointment.

Selma came in for vaccines and a dental exam. Vaccines were administered and a dental was recommended. Please see medical records for detailed findings and recommendations.

Marvin came in for vaccines and an ear hematoma in the left ear. Vaccines were given and a yeast infection was found in the ears. Please see medical records for detailed findings and recommendations. Surgical repair of the hematoma was recommended and the owner declined this. The owner elected to have ear drained and owner was warned of the likelihood that the ear hematoma would reform. Daily ear meds were recommended but the owner declined doing daily ear meds as he said this did not fit his lifestyle so he elected for us to apply long lasting ear ointment : Ketoconazole/ Enrofloxacin/Triamcinolone (2%, 0.23% , 0.1%) long acting Otic Ointment.

During this one interaction that I had with Mr. Cohen, he was extremely rude. He attempted to engage with me on several subject matters other than his pet's medical care. For example, when I first entered the exam room his first question was "Where did you go to vet school?" I replied "University of Edinburgh" and he said "Oh because you couldn't get in to a US vet school". He also asked me who took the photographs hanging on our walls and I let him know the clinic owner and he told me they were terrible photographs and he is a much better photographer and then insisted that I see his photographs which he then showed me on his phone. He then told me that he is financially very well off, that his dogs have their own lawyer and their own trust and that his wife is a doctor. He told me he lives in a very affluent neighborhood and there are lots of vet clinics closer to his home but he likes coming to clinics like ours not because he can't afford expensive clinics but because he likes to support our clinic because we make services affordable to poor people and therefore we need business from affluent clients like himself. I did not engage with Mr. Cohen on any of these other subject matters as I felt it was inappropriate and unprofessional to do so. Therefore when he would bring unrelated matters up, I attempted to steer our conversation back to his pet's medical care. I maintained patience and kindness with Mr. Cohen despite how rude he was to me.

I instructed owner to recheck with me in 2 weeks so I can reexamine Marvin and Barney's ears. That is the last and only interaction I had with Mr. Cohen. I was not aware that Mr. Cohen was

demanding us to get back to him and this is probably because when he called on 10/15/18 firstly I was not in the clinic as I am only there three day a week and more importantly, Mr. Cohen specifically requested that any Dr. call him aside from myself as he was not happy with my care and wanted to deal with another doctor. Therefore follow up care/rechecks for Mr. Cohen and his pets were done by other veterinarians (Dr. Fraser and Dr. Marion).

Please contact me if you have any questions or need any further information.

Regards,

A handwritten signature in black ink, appearing to read 'Paige Peterson', with a long horizontal flourish extending to the right.

Paige Peterson DVM

Alta Vista Vet Clinic

4706 N. 7th Ave

Phoenix, Az 85013

602-277-1464



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INVESTIGATIVE COMMITTEE REPORT

TO: Arizona State Veterinary Medical Examining Board

FROM: PM Investigative Committee: Donald Noah, D.V.M. - **Absent**
Amrit Rai, D.V.M.
Adam Almaraz – **Acting Chair**
Christine Butkiewicz, D.V.M.
William Hamilton

STAFF PRESENT: Tracy A. Riendeau, Investigations
Michael Raine, Assistant Attorney General
Victoria Whitmore, Executive Director

RE: Case: 19-38
Complainant(s): Matt Cohen
Respondent(s): Paige Peterson, DVM (License: 6072)

SUMMARY:

Complaint Received at Board Office: 11/16/18
Committee Discussion: 2/5/19
Board IIR: 3/20/19

APPLICABLE STATUTES AND RULES:

Laws as Amended August 2018
(Lime Green); Rules as Revised
September 2013 (Yellow)

On October 11, 2018, "Barney Jr., Selma – 10 year-old Labrador Retrievers - and Marvin Jr, a 4-year-old Labrador Retriever, were presented to Respondent for exam and vaccines. After exam, Respondent made recommendations for treatments for ear infection on Barney Jr, a dental for Selma, and an ear hematoma and infection for Marvin Jr.

The approved treatments were administered to the dogs and were discharged. Complainant was not satisfied with the care that was provided by Respondent and had the dogs rechecked by her associate.

Complainant was noticed and appeared telephonically.
Respondent was noticed and appeared.

The Committee reviewed medical records, testimony, and other documentation as described below:

- Complainant(s) narrative: *Matt Cohen*
- Respondent(s) narrative/medical record: *Paige Peterson, DVM*
- Consulting Veterinarian(s) narrative/medical record: *Clifford Fraser, DVM*

PROPOSED 'FINDINGS of FACT':

1. On October 11, 2018, the three dogs were presented to Respondent for exam and vaccines.

Barney Jr.:

2. Upon exam, the dog had a weight = 71.4 pounds, a temperature = 101 degrees, a heart rate = 100bpm and a respiration rate = 20rpm. Complainant requested the dog's nose to be checked – it was dry; dog sneezed on occasion but no discharge or production. Respondent noted on exam that the dog had bilateral moisture and debris to the ears and hyperkeratosis and crusting of nasal planum.

3. An ear cytology was performed and revealed cocci and yeast bacteria. Respondent recommended daily flushing of the ears and medication. Complainant declined this plan as it did not fit his lifestyle and elected to treat with a long lasting application. The dog's ears were flushed with phytovet and 3 mLs of KETLA (Ketoconazole 2%/Enrofloxacin 0.23%/Triamcinolone 0.1% – Long Acting) was instilled into each ear canal. Respondent vaccinated the dog for rabies and da2pp and recommended trying topical vitamin E (could also consider biopsy or optimmune for possible Lupus).

4. The dog was discharge and recommended to recheck in two weeks. Technical staff further recommended separating the dogs and keeping them out of the pool. Complainant stated that he would not restrict the dogs.

5. On October 12, 2018, Complainant reported that Selma was licking the dog's ears. Respondent's associate, Dr. Marion, approved the reapplication of KETLA to the dog's ears. Complainant brought the dog in for reapplication.

6. On October 15, 2018, Complainant called to express his dissatisfaction with Respondent and wanted to deal with another doctor. Respondent's associate, Dr. Fraser, called Complainant – Complainant was upset that the KETLA ointment was not staying in the dog's ears due to the dog swimming and the other dog licking at the ears.

7. On October 20, 2018, the dog was presented to Dr. Fraser for a recheck. Complainant felt the dog's nose had improved since applying Vaseline; Dr. Fraser recommended continuing Vaseline treatment.

Selma:

8. Upon exam, the dog had a weight = 65.5 pounds, a temperature = 103.5 degrees, a heart rate = 120bpm and a respiration rate = 20rpm. Complainant requested Respondent assess possible fractured tooth. Respondent noted a grade 2 – 3 dental disease and a possible slab fracture vs abnormally worn left upper carnassal. She vaccinated the dog for rabies and da2pp and recommended a dental cleaning.

9. On October 20, 2018, the dog was presented to Respondent's associate, Dr. Fraser, for a recheck. Upon exam, the dog had grade 1 dental disease and slight discharge from the left eye – likely allergies. Dr. Fraser recommended continuing Benadryl as needed.

Marvin Jr.:

10. Upon exam, the dog had a weight = 64.9 pounds, a temperature = 104.2 degrees, a heart rate 130bpm and a respiration rate = 24rpm; left ear hematoma present. Respondent noted bilateral moisture, debris and thickening of ear canals. Ear cytology revealed yeast bilaterally. Respondent discussed options for the ear hematoma; drain, but would likely recur, or surgical repair. She also recommended daily ear flush and medications.

11. Complainant declined the surgical option for the ear hematoma and the daily ear flush with medications as this did not fit his lifestyle; long lasting application was preferred treatment.

12. Respondent drained the dog's pinnae with an 18 gauge needle and placed a no flap ear wrap to prevent shaking. They only had a small or extra-large wrap available therefore the small wrap was applied and Complainant was instructed to return the following day to exchange for a medium or large. Complainant was also instructed to remove the ear flap daily to allow ears to air out. Both ears were flushed with phytovet and instilled 3 mLs KETLA into each ear canal. The dog was vaccinated for rabies and da2pp, and discharged with prednisone for ear canal swelling and instructions to return for a recheck in 2 weeks. Prednisone 10mg, 15 tablets; give 1.5 tablets orally every 24 hours for 5 days, then 1 tablet orally every 24 hours for 5 days, then ½ tablet orally every 24 hours until gone.

13. The following day, Complainant returned for a recheck and ear wrap change. The ear was hanging out of wrap and had filled back up. Respondent's associate, Dr. Marion, approved redraining the ear and placing a medium ear wrap on dog at no charge. Due to the other dog licking out KETLA, it was re-instilled to both ears.

14. On October 15, 2018, Complainant expressed his dissatisfaction with the treatment of the dog. The KETLA was not staying in the ears due to swimming and other dogs licking out. Additionally, the no flap ear wrap was cutting off the circulation and the hematoma was not resolving. Dr. Fraser offered to see the dog since Complainant did not want Respondent to treat his dog.

15. On October 19, 2018, Complainant called and requested a refund. Hospital manager, Ms. Blades, advised Complainant that they will refund the charges for the no flap ear wrap per Dr. Fraser, however no other services will be credited or free of charge.

16. On October 20, 2018, Dr. Fraser examined the dog and noted a left ear hematoma. Complainant felt the ear hematoma had reduced. Dr. Fraser documented that the left ear was slightly inflamed with some debris and recommended surgical repair for the hematoma. He stated in his narrative that Complainant declined surgery and other options as they were an inconvenience to his lifestyle. Dr. Fraser offered a refund for the no flap ear wrap to resolve Complainant's frustration.

17. On November 13, 2018, the premise elected to terminate Complainant as a client; his dog's medical records were sent to him with a check to refund the no flap ear wrap.

18. Complainant stated in his complaint that "the test" was performed without his consent (estimate was signed by Complainant approving cytology). He further relayed that it was

impossible to segregate the dogs or keep them from licking and swimming as recommended. Complainant felt there was an array of services that were not needed – the recommendation of allergy medication and prednisone was ill advised. He was concerned that Respondent ran up a bill for treatment that would not help the dogs and they refused to reply to his communications.

COMMITTEE DISCUSSION:

The Committee discussed this was a situation with a difficult pet owner and the premise did everything they could to keep Complainant happy. The Committee felt the case was managed appropriately by Respondent.

COMMITTEE'S PROPOSED CONCLUSIONS of LAW:

The Committee concluded that no violations of the *Veterinary Practice Act* occurred.

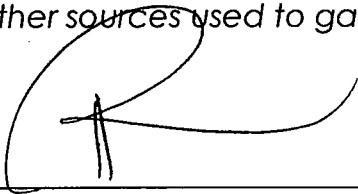
COMMITTEE'S RECOMMENDED DISPOSITION:

Motion: It was moved and seconded the Board:

Dismiss this issue with no violation.

Vote: The motion was approved with a vote of 4 to 0.

The information contained in this report was obtained from the case file, which includes the complaint, the respondent's response, any consulting veterinarian or witness input, and any other sources used to gather information for the investigation.

A handwritten signature in black ink, appearing to be 'TRACY A. RIENDEAU', written over a horizontal line.

Tracy A. Riendeau, CVT
Investigative Division